

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF PENNSYLVANIA  
ROBERT N.C. NIX BUILDING  
900 MARKET STREET  
SUITE 400  
PHILADELPHIA 19107-4299

Timothy B. McGrath  
Clerk

Telephone  
(215) 408-2800

October 18, 2016

Re: John J. Lynch, Plaintiff  
vs.  
Evelyn Rivera, Defendant  
Bank of America, Defendant  
Bayshore Loan Servicing, Defendant  
KLM Group, Inc., Defendant

Bankruptcy No.: 16-16269AMC Adversary No. 16-301AMC  
Civil Action No.

Dear Mr Kunz:

We herewith transmit the following document(s) filed in the above matter(s), together with a certified copy of the docket entries:

(X) Certificate of appeal from order entered 9/27/16 and dated 9/26/16 by the Honorable Ashely M. Chan.  
Notice of appeal filing fee  paid  not paid

Designation of Record on Appeal Filed  
 Designation of Record on Appeal Not Filed

Supplemental certificate of appeal.

Motion for leave to appeal filed .  
 Answer to motion filed .

Proposed findings of fact and conclusions of law entered by the Honorable .  
 Objections filed .

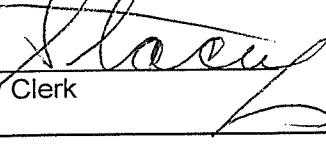
Report and recommendation entered by the Honorable .  
 Objections filed .

Original record transferred to the District Court pursuant to the order of the Honorable .  
 Other:

Kindly acknowledge receipt on the copy of the letter provided.

For the Court

Timothy B. McGrath  
Clerk

By:   
Deputy Clerk

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Received Above material or record file this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Civil Action No. \_\_\_\_\_ Signature: \_\_\_\_\_

Miscellaneous No. \_\_\_\_\_ Date: \_\_\_\_\_

Assigned to Judge \_\_\_\_\_

Designation due 10-28-16  
Transmission - 11-11-16

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re:

Chapter 7

OCT 14 2016

Evelyn Rivera

Debtor

Bankruptcy No. 16-16269AMC

John J. Lynch

Plaintiff

v.

Evelyn Rivera

Defendant

Adversary No. 16-00301AMC

**NOTICE OF APPEAL AND STATEMENT OF ELECTION**

**Part 1: Identify the appellant(s)**

1. Name(s) of appellant(s):

John J. Lynch

2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

Plaintiff  
 Defendant  
 Other (describe) \_\_\_\_\_

For appeals in a bankruptcy case and not in an adversary proceeding.

Debtor  
 Creditor  
 Trustee  
 Other (describe) \_\_\_\_\_

**Part 2: Identify the subject of this appeal**

1. Describe the judgment, order, or decree appealed from: denial of Infertility Property

2. State the date on which the judgment, order, or decree was entered: 9-26-16

**Part 3: Identify the other parties to the appeal**

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: Defendant Attorney: Jennifer Schultz Esq.  
RIVERA Community Legal Aid

Bank of America  
2. Party: Joan S. Attorney: K. M. Legal Roots  
Bayer 701 Market St. Ste 400  
Philadelphia PA 19106

**Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)**

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

**Part 5: Sign below**

John J. Lynch

Date: 10-4-16

Signature of attorney for appellant(s) (or appellant(s) if not represented by an attorney)

Name, address, and telephone number of attorney (or appellant(s) if not represented by an attorney):

John J. Lynch  
3281 Red Lion Rd Apt #1  
Okla. City, OK, 73115

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

cc: Judge Chen

District Court

Jennifer Schultz - attorney for defendant

Kevin McDonald - attorney for defendant

Thomas Pullo - attorney for defendant

U.L. Trustee

Mary Sato, Trustee

John J. Lynch,

UNITED STATES BANKRUTPCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re:

Evelyn Rivera : Chapter 7  
Debtor : Bankruptcy No. 16-16269AMC

John J. Lynch :

Plaintiff :

v.

Evelyn Rivera :

Defendant :

Adversary No. 16-00301AMC

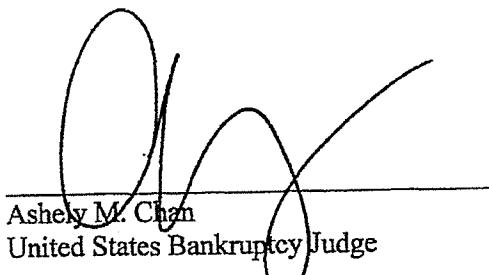
**ORDER**

AND NOW, upon consideration of the Petition to Proceed in Forma Pauperis,

It is hereby ORDERED that the Petition is DENIED.

Plaintiff shall have thirty (30) days from the date of this order to pay the required filing

fee.

  
Ashely M. Chan  
United States Bankruptcy Judge

Date: September 26, 2016

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF  
PENNSYLVANIA

IN RE : EVELYN RIVERA

CHAPTER 7 NO.#16-16269 AMC

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JOHN J. LYNCH : ADVERSARY NO.#16-00301 AMC

v. :

EVELYN RIVERA :

**APPELLANTS PETITION TO PROCEED IN FORMA PAUPERIS**

To the Honorable Chief judge and or any of the several judges comprising the Court;

The appellant plaintiff in adversary does here by request leave to proceed IN FORMA PAUPERIS and represents the following in support of this request:

1. I am the plaintiff adversary appellant in the above captioned matter and that because of bmy financial condition am unable to pay the fees and cost of prosecuting the appeal.
2. I am unable to obtain funds from anyone including my family and associates / friends to pay the cost of the appeal.
3. That this case involves the permanent injury to the appellants left eye by the appellees deliberate willful and malicious disobedience in opening plaintiffs door at a time when there was violence and danger on the other side when told not to by the plaintiff in result the injury.
4. I represent that the information below relating to my ability to pay the fees and cost is true and correct:

A) My name is John J. Lynch and I reside in an apartment at 3281 Red Lion Rd Phila Pa.,19114 this is a HUDVASH program apartment.subsidized housing for vets.

B) I am not employed I live on a fixed limited income a federal pension only 1072.00 a month and only 26.00 in food stamps.

C) Other income :

Buisness or profession : none

Other self employment : NONE

Interest : none

Dividends :none

Pensions and annuities : Veterans non serv con disability pension 1072.00

Social Security benefits : none

Disability payments : none

Unemployment compensation and supplemental benefits :none

Workerscompensation :none

Public assistance : only the food stamps

Other : Some help from churches with some food

D)Other contributions to household :NONE

E)Property owned

CASH : 70.00

Checking : 100.00 after everything is paid

Savings account: none

Certificate of deposit : none

Real estate NONE

Motor vehicle :1999 chevy Malibu sdn. cost 500.00

F) Debts and obligations : rent 195.00

Electric : 75.00

Gas : 53.00

Phone :40.00

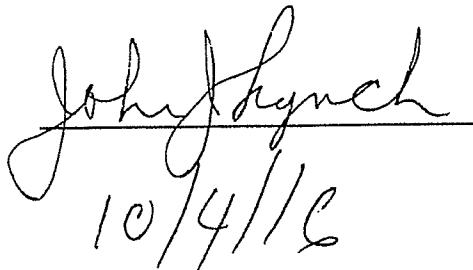
Netzero: 45.00

G) Persons dependant upon you for support if I had any support to give it  
would be mom 80 yrs old and my grand children 4 of them. Elizabeth  
Lynch mom and Owen Adam Kyle and Evan Lynch Grand kids.

4.I understand that I have a continuing obligation to inform the court of  
improvements in my financial circumstances which would permit me to pay  
the cost incurred herein.

5. I John J. Lynch hereby swear affirm and or otherwise verify that the  
statements made in this Petition are true and correct as they relate to my  
financial condition and my ability to and request for the in forma pauperis  
relief petitioned for herein that these statements are made pursuant to the  
provisions and penalties for giving such information fraudulently to the court  
in the United States Code .

RESPECTFULLY SUBMITTED

  
John J. Lynch  
10/4/16



**Department of  
Veterans Affairs**

PO BOX 8079  
PHILADELPHIA PA. 19101

*Attachment*  
March 25, 2016

Veteran's Name:  
Lynch, John, J

JOHN J LYNCH  
3281 RED LION RD APT  
1  
PHILADELPHIA PA 19114

This letter is a summary of benefits you currently receive from the Department of Veterans Affairs (VA). We are providing this letter to disabled Veterans to use in applying for benefits such as housing entitlements, free or reduced state park annual memberships, state or local property or vehicle tax relief, civil service preference, or any other program or entitlement in which verification of VA benefits is required. Please safeguard this important document. This letter replaces VA Form 20-5455, and is considered an official record of your VA entitlement.

**--America is Grateful to You for Your Service--**

Our records contain the following information:

**Personal Claim Information:**

Your VA claim number is: 170-165216

You are the Veteran

**Military Information:**

Your character(s) of discharge and service date(s) include:

Army, Honorable, 06-May-1974 - 12-Feb-1975

(You may have additional periods of service not listed above)

**VA Benefits Information:**

Service-connected disability: No

Are you receiving non-service-connected pension: Yes

The effective date of the last change to your current award was: 01-DEC-2014

Your current monthly award amount is: \$1,072.00

You should contact your state or local office of Veterans' affairs for information on any tax, license, or fee-related benefits for which you may be eligible. State offices of Veterans' affairs are available at <http://www.va.gov/statedva.htm>.

**Need Additional Information or Verification?**

If you have any questions about this letter or need additional verification of VA benefits, please call us at 1-800-827-1000. If you use a Telecommunications Device for the Deaf (TDD), the federal relay number is 711. Send electronic inquiries through the Internet at <https://iris.va.gov>.

Sincerely yours,

Regional Office Director

727OBJ, APPEAL

**U.S. Bankruptcy Court  
Eastern District of Pennsylvania (Philadelphia)  
Adversary Proceeding #: 16-00301-amc**

*Assigned to:* Judge Ashely M. Chan

*Date Filed:* 09/12/16

*Lead BK Case:* 16-16269

*Lead BK Title:* Evelyn Rivera

*Lead BK Chapter:* 7

*Demand:* \$50000

*Nature[s] of Suit:* 21 Validity, priority or extent of lien or other interest in property  
31 Approval of sale of property of estate and of a co-owner - 363(h)  
41 Objection / revocation of discharge - 727(c),(d),(e)  
68 Dischargeability - 523(a)(6), willful and malicious injury  
91 Declaratory judgment

***Plaintiff***

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**John J. Lynch**  
3281 Red Lion Road  
Apt. #1  
Philadelphia, PA 19114

represented by **John J. Lynch**  
PRO SE

V.

***Defendant***

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**Evelyn Rivera**  
10814 Modena Ter  
Philadelphia, PA 19154  
SSN / ITIN: xxx-xx-2232

represented by **JENNIFER SCHULTZ**  
Community Legal Services  
North Philadelphia Law Center  
1410 W. Erie Avenue  
Philadelphia, PA 19140-4111  
215 227-2400x2420  
Fax : 215 227-2435  
Email: [jschultz@clsphila.org](mailto:jschultz@clsphila.org)  
**LEAD ATTORNEY**

***Defendant***

**BANK OF AMERICA**

represented by **KEVIN G. MCDONALD**

Blank Rome LLP  
One Logan Square  
Philadelphia, PA 19103  
215-569-5582  
Fax : 215-832-5582  
Email: [KMcDonald@blankrome.com](mailto:KMcDonald@blankrome.com)

*Defendant*

**Bayshore Loan Servicing**

represented by **KEVIN G. MCDONALD**  
(See above for address)

*Defendant*

**KML Group, Inc.**

represented by **THOMAS I. PULEO**  
KML Law Group, P.C.  
701 Market Street  
Suite 5000  
Philadelphia, PA 19106  
(215) 627-1322  
Fax : (215) 627-7734  
Email: [tpuleo@kmllawgroup.com](mailto:tpuleo@kmllawgroup.com)

Filing Date	#	Docket Text
09/12/2016	<u>1</u>	Adversary case 16-00301. Complaint by John J. Lynch against Evelyn Rivera , BANK OF AMERICA , Bayshore Loan Servicing , KML Group, Inc. . Fee Amount \$0.00 . (Attachments: # <u>1</u> Adversary Coversheet # <u>2</u> Certificate of Service) (21 (Validity, priority or extent of lien or other interest in property)) ,(31 (Approval of sale of property of estate and of a co-owner - 363(h))) ,(41 (Objection / revocation of discharge - 727(c),(d),(e))) ,(68 (Dischargeability - 523(a)(6), willful and malicious injury)) ,(91 (Declaratory judgment)) (G., Jennifer) (Entered: 09/12/2016)
09/12/2016	<u>2</u>	Petition to Proceed In Forma Pauperis Filed by John J. Lynch (related document(s) <u>1</u> ). (G., Jennifer) (Entered: 09/12/2016)
09/12/2016	<u>3</u>	1 Summons Issued to Plaintiff(s) to be served upon Defendant(s) BANK OF AMERICA Date Issued 9/12/2016,

		Answer Due 10/12/2016; Bayshore Loan Servicing Date Issued 9/12/2016, Answer Due 10/12/2016; KML Group, Inc. Date Issued 9/12/2016, Answer Due 10/12/2016; Evelyn Rivera Date Issued 9/12/2016, Answer Due 10/12/2016. (G., Jennifer) (Entered: 09/12/2016)
09/12/2016	④	Court's Certificate of Mailing. Number of notices: 1 John J. Lynch(pla)(related document(s) <u>1</u> , <u>3</u> ). (G., Jennifer) (Entered: 09/12/2016)
09/26/2016	⑤	Summons Service Executed on BANK OF AMERICA 9/26/2016; Bayshore Loan Servicing 9/26/2016; KML Group, Inc. 9/26/2016; Evelyn Rivera 9/26/2016 . (D., Stacey) (Entered: 09/27/2016)
09/26/2016	⑥	Order Re: Upon consideration of the petition to proceed in Forma Pauperis, it is hereby Ordered that the petition is Denied. Plaintiff shall have 30 days from the date of this order to pay the required filing fee. (related document(s) <u>2</u> ). (D., Stacey) (Entered: 09/27/2016)
09/29/2016	⑦	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <u>6</u> )). No. of Notices: 3. Notice Date 09/29/2016. (Admin.) (Entered: 09/30/2016)
10/10/2016	⑧	Motion to Dismiss Adversary Proceeding Filed by KML Group, Inc. Represented by THOMAS I. PULEO (Counsel). (Attachments: # <u>1</u> Brief in Support of the Motion of Defendant, KML LAW GROUP,P.C., to Dismiss Plaintiff's Adversary Complaint # <u>2</u> Exhibit A-H # <u>3</u> Proposed Order # <u>4</u> Service List) (PULEO, THOMAS) (Entered: 10/10/2016)
10/10/2016	⑨	Notice of (related document(s): <u>8</u> Motion to Dismiss Adversary Proceeding ) Filed by KML Group, Inc.. Hearing scheduled 11/16/2016 at 11:00 AM at nix5 - Courtroom #5. (Attachments: # <u>1</u> Service List)(PULEO, THOMAS) (Entered: 10/10/2016)
10/12/2016	⑩	Motion to Dismiss Adversary Proceeding Filed by Evelyn Rivera Represented by JENNIFER SCHULTZ (Counsel). (Attachments: # <u>1</u> Proposed Order # <u>2</u> Service List # <u>3</u> Volume(s) brief in support) (SCHULTZ, JENNIFER) (Entered: 10/12/2016)
10/12/2016	⑪	Notice of Appearance and Request for Notice <i>with Certificate of</i>

		<i>Service by KEVIN G. MCDONALD Filed by KEVIN G. MCDONALD on behalf of BANK OF AMERICA, Bayshore Loan Servicing. (MCDONALD, KEVIN) (Entered: 10/12/2016)</i>
10/12/2016	• <u>12</u>	Notice of (related document(s): <u>10</u> Motion to Dismiss Adversary Proceeding ) Filed by Evelyn Rivera. Hearing scheduled 11/16/2016 at 11:00 AM at nix5 - Courtroom #5. (SCHULTZ, JENNIFER) (Entered: 10/12/2016)
10/12/2016	• <u>13</u>	Certificate of Service Filed by JENNIFER SCHULTZ on behalf of Evelyn Rivera (related document(s) <u>10</u> , <u>12</u> ). (SCHULTZ, JENNIFER) (Entered: 10/12/2016)
10/12/2016	• <u>14</u>	Motion to Dismiss Case. Motion to Dismiss Adversary Complaint Filed by BANK OF AMERICA, Bayshore Loan Servicing Represented by KEVIN G. MCDONALD (Counsel). (Attachments: # <u>1</u> Memorandum of Law in Support # <u>2</u> Exhibits 1-5 # <u>3</u> Proposed Order # <u>4</u> Service List # <u>5</u> Notice of Motion to Dismiss) (MCDONALD, KEVIN) (Entered: 10/12/2016)
10/13/2016	• <u>15</u>	Notice of (related document(s): <u>14</u> Motion to Dismiss Case. Motion to Dismiss Adversary Complaint ) Filed by BANK OF AMERICA , Bayshore Loan Servicing . Hearing scheduled 11/16/2016 at 11:00 AM at nix5 - Courtroom #5. (D., Stacey) (Entered: 10/13/2016)
10/14/2016	• <u>16</u>	Notice of Appeal to District Court . Receipt Number 0, Fee Amount \$0 Filed by John J. Lynch (related document(s) <u>6</u> ). Appellant Designation due by 10/28/2016. Transmission of record on appeal to District Court Due Date:11/11/2016. cc: Judge Ashely M. Chan, District Court, Jennifer Schultz, Kevin McDonald, Thomas Puelo, United States Trustee, Gary Seitz, John J. Lynch. (D., Stacey) Additional attachment(s) added on 10/18/2016 (D., Stacey). (Entered: 10/18/2016)

A TRUE COPY CERTIFIED  
TO FROM THE RECORD  
DATED: 10/18/16  
ATTEST: John J. Lynch  
Deputy Clerk  
U.S. Bankruptcy Court